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Attorney for Defendant
ROBERT KIRBY WELLS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT KIRBY WELLS,

Defendant.

Case No. 2:21-cr-0164-WBS

**STIPULATION TO CONTINUE STATUS
CONFERENCE AND EXCLUDE TIME
UNDER THE SPEEDY TRIAL ACT;
FINDINGS AND ORDER**

**DATE: September 18, 2023
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb**

Defendant, ROBERT KIRBY WELLS, by and through his
undersigned counsel, and Plaintiff United States of America, by
and through its undersigned counsel, hereby stipulate as follows:

1. By previous order, this matter was set for status on
September 18, 2023, and time was excluded through September 18,
2023, pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(iv) (Local Code
T4).

2. By this stipulation, the parties jointly request that
the Court continue the status conference to October 16, 2023, at
9:00 a.m. The parties further request that the Court exclude
time under the Speedy Trial Act from September 18, 2023, through

1 October 16, 2023, pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(iv)
2 (Local Code T4).

3 3. The parties stipulate, and request the Court find the
4 following:

5 a) Defense counsel has received 131,749 pages of
6 discovery that include, among other things, investigative
7 reports, financial records, and other business records, as well
8 as the contents of two email accounts. Counsel for the defendant
9 would like time to review the evidence, discuss resolution
10 options, research sentencing issues, conduct independent factual
11 investigations, and otherwise prepare for trial.

12 b) Counsel for defendant, ROBERT KIRBY WELLS,
13 believes that failure to grant the above-requested continuance
14 would deny counsel the reasonable time necessary for effective
15 preparation, taking into account the exercise of due diligence.

16 c) The government does not object to the continuance.

17 d) Based on the above stated findings, the ends of
18 justice served by continuing the case outweigh the interest of
19 the public and the defendant in a trial within the original date
20 prescribed by the Speedy Trial Act.

21 e) For the purpose of computing time under the Speedy
22 Trial Act, 18 U.S.C. § 3161, et. seq., within which trial must
23 commence, the time period of September 18, 2023, up to and
24 including, October 16, 2023, is deemed excludable under 18 U.S.C.
25 § 3161(h)(7)(A), (B)(iv) (Local Code T4), as it results from a
26 continuance granted by the Court at the defendant's request on
27 the basis of the Court's finding that the ends of justice served
28 by taking such action outweigh the best interest of the public

1 and defendant in a speedy trial.

2 IT IS SO STIPULATED.

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4 DATED: August 31, 2023

Respectfully submitted,

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7 /s/ William J. Portanova
WILLIAM J. PORTANOVA

8 Attorney for Defendant
9 ROBERT KIRBY WELLS

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11 DATED: August 31, 2023

PHILLIP A. TALBERT
United States Attorney


12
13 /s/ Matthew Thuesen

14 MATTHEW THUESEN
15 Assistant United States Attorney

16 **FINDINGS AND ORDER**

17 IT IS SO FOUND AND ORDERED.

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19 Dated: September 5, 2023


20 WILLIAM B. SHUBB
21 UNITED STATES DISTRICT JUDGE
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